

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 7733

BILL NUMBER: SB 461

DATE PREPARED: Jan 16, 2001

BILL AMENDED:

SUBJECT: Life Probation for Sex Offenders.

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**FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL**

IMPACT: State & Local

Summary of Legislation: This bill allows a court that suspends part of a sentence imposed on a person convicted of rape, criminal deviate conduct, child molesting, child exploitation, vicarious sexual gratification, child solicitation, child seduction, sexual misconduct with a minor as a Class A felony or Class B felony, incest, or sexual battery to place the person on probation for a fixed period or for life.

Effective Date: July 1, 2001.

Explanation of State Expenditures: Under current law, if a court suspends a sex offender's sentence, then the court is required to place the offender on probation for a maximum of ten years. This bill gives the court the option to place an offender on probation for either a fixed period or for life. Since this bill applies to crimes committed after June 30, 2001, any effects from this bill may not be realized for six months to six years.

Since only the sentences exceeding the minimum sentence may only be suspended, the following table shows the minimum amount of time that an offender would have to be incarcerated before being released on probation:

<u>Felony Class</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
Minimum Sentence	20 years	6 years	2 years	six months

The specific savings that this bill would allow the Department of Correction (DOC) to realize will depend on the number of additional offenders who would be sentenced for an extended time on probation. If criminal court judges believe that a period of probation longer than ten years is necessary to protect public safety, then possibly more offenders will be released at an earlier date. This could reduce the number of offenders in DOC facilities.

The average expenditure to house an adult offender was \$20,700 in FY 1999. Individual facility expenditures ranged from \$14,936 to \$37,807. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner.

As an illustration of the number of sex offenders who might be eligible for the extended probation at some point in the future, the following table shows the number of sex offenders who were committed to DOC facilities during FY 2000. (Information is available from OFMA for each offense category.)

<u>Felony Level</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	Total Sex Offenders Committed
Total Offenders	<u>112</u>	<u>276</u>	<u>375</u>	<u>87</u>	<u>850</u>

As the following table shows, 2,851 adult offenders were incarcerated in DOC facilities for the various offenses specified under IC 5-2-12-4(1) as of January, 2001. (Information is available from OFMA for each offense category.)

<u>Felony Level</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	Total Sex Offenders Incarcerated
Total Offenders	730	1,109	584	56	2,479

Explanation of State Revenues:

Explanation of Local Expenditures: The effect on caseloads of probation departments will depend on the number of offenders who agree to the conditions of an early release in exchange for an extended probation ranging up to possibly life supervision and the number of courts which approve of such arrangements.

During the period between January and November, 1999, 722 sex offenders were released from DOC facilities. Of these, 88% were released to either a probation or parole program, while 9% were discharged from prison.

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, probation departments.

Information Sources: Department of Correction.